

ATTACHMENT A

SAMPLE GENERAL ASSISTANCE PROGRAM ACTIVITIES

These are examples of some of the programs and activities which a tribe might want to consider in a General Assistance Program (GAP) proposal. The activities listed are not intended to be comprehensive in terms of specific requirements for authorizing program approvals, nor are the following sections intended to be all-inclusive of approvable activities. Activities will vary from tribe to tribe depending on the nature of the needs and priorities of each tribe.

Environmental Sampling:

Any activities which require environmental measurements (i.e., soil, water, or air testing) require an EPA-approved Quality Assurance Project Plan prior to performing such activities. We suggest the following activity be added to the work plan that includes such testing.

Develop a Quality Assurance Project Plan (QAPP) which must be approved by EPA's Quality Assurance Management Section before any environmental measurements are taken (i.e., prior to any assessment which requires sample collection).

Program-Specific Capacity-Building

Purpose: The objective of program specific capacity building efforts is to establish tribal environmental regulatory and non-regulatory environmental protection programs. Activities funded under GAP may include assistance with developing technical capability, and planning and establishing an environmental management program.

I. General Capacity Building Activities

- Establish a Tribal Environmental Protection Office (hiring and training staff, purchasing equipment, etc.).
- Hire staff to develop the infrastructure for an environmental office.
- Conduct an environmental inventory of the reservation to identify all potential pollution sources (i.e., a visual assessment, compiling all existing data from sources (tribal, federal, state, local) to assess environmental conditions, taking one-time sampling measurements of waters, soil, etc. to provide data on baseline conditions). **NOTE: THIS TASK IS MANDATORY AND MUST, THEREFORE, BE INCLUDED AS A ONE TIME ACTIVITY TO BE DONE UNDER GAP.** Updates to the inventory are encouraged on an as needed basis.
- Prioritize current environmental conditions and develop a Tribal Environmental Plan outlining environmental program needs for future years, identifying program areas of tribal interest, and estimating funding needs. (A sample environmental plan is available.)
NOTE: THIS TASK IS MANDATORY AND MUST, THEREFORE, BE INCLUDED AS A ONE TIME ACTIVITY TO BE DONE UNDER GAP.
- Acquire training in environmental program areas (water, air, waste, pollution prevention, etc.).
- Conduct education outreach to community members (newsletters, hold community meetings, etc.).
- **Building Legal Capability**
- Assess the legal sufficiency of the tribe's approach to environmental regulation including enforcement of codes, and activities that may impact air, land, and water (i.e., obtain legal consultation in developing regulations, developing permitting requirements, building upon legal structure, etc.).

- Plan, develop and establish procedures to correct any legal deficiencies, and/or establish a new legal system and procedures, including policies and guidance, for environmental program management.
- Building Administrative Capability
- Assess and revise the tribe's current grant management procedures including accounting, auditing, evaluating, reviewing, and reporting for adequacy, to meet the requirements of 40 CFR 31; 40 CFR Part 35 and OMB Circular A-87 (i.e., obtain accounting consultation to assess current procedures to ensure that they meet the above-mentioned requirements). NOTE: THIS TASK IS MANDATORY AND MUST, THEREFORE, BE INCLUDED AS A ONE TIME ACTIVITY TO BE DONE UNDER GAP. (A sample checklist is available from the Tribal Program Office.)

Activities Not Eligible Under GAP (not all inclusive):

Construction of specific facilities or site-specific actions are not eligible under GAP, with the exception of Solid and Hazardous Waste projects, unless EPA determines funding such activities is necessary to carry out the purpose of the program. Examples of non-eligible activities include, but are not limited to:

- leaking underground storage tank remediation;
- drinking water and wastewater treatment facility feasibility studies and construction;
- operation and maintenance of sanitary facilities;
- preparation of site-specific Environmental Impact Statements for the purpose of NEPA compliance with the exception of solid and hazardous waste projects funded by EPA;
- cultural resource protection activities;
- clearing and/or cleanup of brush, tree trimming;
- long-term, on-going operation and maintenance of solid waste collection and recycling facilities;
- ongoing air monitoring.

II. Clean Water Act Activities

The goal of the Clean Water Act (CWA) is "to restore and maintain the chemical, physical, and biological integrity of the Nation's water," primarily through a prohibition against discharging pollution into the waters of the United States. While not comprehensive (certain source of pollution are not directly regulated), the CWA does deal with a complex variety of matters concerning water pollution, including the following: grants for construction projects, research and study, development of water pollution control programs, permitting and regulation of discharges, establishing water quality standards and protecting wetlands areas.

In order to work towards meeting CWA requirements and goals, GAP may fund:

- Development and "test drive" of wastewater asset protection programs (see Guidelines for Asset Protection for Drinking Water, Source Water Assessment and Wastewater Programs)

At the end of the "test drive period, the tribe must have established a sustainable program, with the technical, financial and managerial capacity to properly maintain the program over time.

Note: GAP cannot fund wastewater activities on a long term basis, because "program implementation" is not eligible for GAP funding.

III. Safe Drinking Water Act Activities

The Safe Drinking Water Act (SDWA) is the federal law regulating the quality of drinking water from a public water system (PWS). The purpose of the SDWA is to ensure that the drinking water supplied to the public is safe for human consumption. The EPA has the responsibility of setting national drinking

water standards which must be met by all PWS. EPA also has the authority and responsibility to implement the SDWA and its associated regulations in Indian Country. All PWS in Indian Country, regardless of ownership, must comply with these PWS standards until a tribe has applied for, and been approved for, primacy under the SDWA.

Below are some activities which may be funded under GAP in order to work towards meeting SDWA requirements and goals.

- Development and “test drive” of drinking water asset protection programs (see Guidelines for Asset Protection for Drinking Water, Source Water Assessment and Wastewater Programs)
- Development and “test drive” of source water assessment asset protection programs (see Guidelines)

At the end of the “test drive period, the tribe must have established a sustainable program, with the technical, financial and managerial capacity to properly maintain the program over time.

Note: GAP cannot fund drinking water and source water assessment activities on a long term basis, because “program implementation” is not eligible for GAP funding.

IV. Clean Air Act Activities

EPA Region 9 has two types of funding that tribes can apply for to conduct air activities: the General Assistance Program (**GAP**) and the Clean Air Act (**CAA**) §103.

CAA funds are typically applied for after a baseline assessment of air quality (including an inventory of existing air emissions) is completed. CAA funds (not GAP) are then used for air program implementation, if the tribe determines that there is an air pollution problem.

Funding air project activities under GAP

Tribes typically use GAP funding to conduct a needs assessment for an air program, which can take one to several years to complete. At the end of the assessment phase, a tribe will assess whether future air activities are needed, and for what type of funding to apply. Some typical GAP eligible air assessment activities are listed below.

- *Training* - May include, but is not limited to, workshops available through the Northern Arizona University’s Institute for Tribal Environmental Professionals (ITEP), the Tribal Air Monitoring Support (TAMS) Center, California Air Resources Board (CARB), EPA, and others. Networking between tribes, states, counties and educational facilities could be an additional component of this training.
- *Develop an Emissions Inventory* - Calculate emissions of air pollutants from sources within tribal jurisdiction (individual small and large sources, emissions from cars, etc.), in order to estimate impacts on reservation air quality and assess the need for air pollution control regulations.
- *Air program needs assessment* - After basic air pollution training is completed, determine the extent of air pollution issues on the reservation and develop an assessment of the need for a longer-term tribal air program.
- *Acquisition of existing air quality data from neighboring jurisdictions* - Local air pollution control districts may have air quality monitoring data helpful to the tribe in assessing reservation air quality.
- *Investigate impacts of neighboring sources on tribal air quality* - Acquire emission data from air quality permits and compliance data from permitting agencies for nearby sources impacting reservation air quality.
- *Participate in regional initiatives* - such as the Regional Tribal Operations Committee (RTOC), the Western Regional Air Partnership (WRAP), the National Tribal Air Association (NTAA) or

local coalitions.

- *Community outreach/education* - Provide information on air pollution issues to the local community, schools and tribal government through presentations, brochures, etc.
- *Develop a Draft Monitoring Plan* – Develop a plan for gathering baseline air quality data for the reservation.
- *Submit a CAA 103 Proposal* - If the tribe decides to pursue a long-term air monitoring program, work with EPA Region 9 to develop a CAA 103 air grant proposal.

Note: GAP funds cannot be used to fund **air monitoring activities** on a long term basis, as that would be considered “program implementation,” which is not the focus of GAP funding. Tribes that seek an ongoing air monitoring program, or other long term air quality work, are encouraged to pursue CAA §103 funding, or use other sources of funding to support implementation activities.

Air project activities that should be conducted under a Clean Air Act grant

[Note: *Receiving funding under the CAA§103 are not guaranteed to all tribes.*]

- Developing an ongoing air monitoring program.
- Developing tribal codes and ordinances to regulate sources of air pollution.
- Developing air regulations (e.g. Treatment as State [TAS] and Tribal Implementation Plan [TIP]).
- Developing inspection and enforcement program.
- *All activities mentioned above under GAP are also allowable under CAA.*

As resources to fund air activities become increasingly limited under both GAP and the CAA, it is vital that tribe’s work together to leverage resources and share information with each other. Some ideas include:

- Exchange air quality data and emission inventories.
- Share the cost of training by consultants, when needed.
- Become trained to audit other tribes’ monitoring equipment.
- Join or develop local coalitions of tribes for support and to discuss issues.
- Share portable monitors, where feasible.

V. Solid Waste Activities

Congress directed EPA to develop standards for the disposal of solid waste. The two main regulations EPA developed for the handling and disposal of solid waste are located in 40 CFR Parts 257 and 258.

Below are some activities which may be funded under GAP in order to work towards obtaining solid waste objectives:

Recommended Phase One:

- Create an inventory of open dumps using GPS locational data.
- Conduct a waste characterization study to assess current solid waste management practices on the reservation, as well as to assess the quantity and quality of generated waste.
- Develop an integrated solid waste management plan that is approved by the tribe’s governing body.
- Develop solid waste codes and ordinances to implement the solid waste management plan.
- Conduct feasibility studies for new solid waste programs, including recycling, composting, household hazardous waste collection programs, etc.
- Assess the environmental conditions due to open dumping. Assess health and contamination threats of unauthorized illegal disposal sites.

- Conduct community outreach and/or environmental education on solid waste programs (i.e., recycling, composting, environmental and human health impacts of dumping, backyard burning, etc.).

Recommended Phase Two:

- Develop a waste enforcement program to prevent illegal dumping. Aspects of an enforcement program may include developing and installing signs to discourage people from dumping, development of community outreach materials or programs, implementation of solid waste codes and ordinances, creation of solid waste rangers or waste patrol officers, attendance at basic inspector training, etc.
- Conduct community outreach and/or environmental education on solid waste programs (i.e., recycling and composting programs, environmental and human health impacts of dumping, backyard burning, etc.).
- Conduct solid waste facility planning and feasibility studies; (including transfer stations, recycling centers, composting operations, etc.). This can include expert consultation, surveys and analysis of market needs, and/or marketing of recycled resources.

Recommended Phase Three:

- Remove junk automobiles, white goods, scrap metal, used tires.
- Cleanup and close open dumps or scatter waste sites. Priority may be given to those sites that pose a greater threat to human health and the environment. Any proposed dump closure requested for GAP funding must include the submission of each dump's GPS coordinates and site name.
- Construction of transfer stations or convenience centers, recycling centers, composting centers, household hazardous waste collection centers, used oil collection stations, etc. (Please note that National Environmental Policy Act (NEPA) compliance may be required for any construction activities.)
- Conduct community outreach and/or environmental education on solid waste programs (i.e., recycling, composting, environmental and human health impacts of dumping, backyard burning, etc.).

VI. Hazardous Waste Activities

Hazardous Waste Activities which may be funded under GAP include the following:

- Identify/develop an inventory of all hazardous waste operations/facilities (past, present and future) on tribal lands
- Develop codes, regulations, ordinances and training requirements to regulate/manage hazardous waste on tribal lands
- Provide training and work shops for staff for hazardous waste management activities

VII. Chemical Emergency Planning/SARA Title III- Activities

SARA Title III has two purposes: 1) to encourage and support emergency planning for responding to chemical incidents, and 2) to provide local governments and the public with timely and comprehensive information about possible chemical hazards in communities.

Below are some activities which may be funded under GAP in order to work towards meeting SARA Title III objectives:

- Establish and appoint members of a Tribal Emergency Response Commission (TERC) and/or Local Emergency Planning Committee (LEPC).

- Develop and obtain tribal approval for ordinance/resolution establishing authority of TERC/LEPC.
- Develop a Chemical Emergency Notification Plan.
- Develop hazardous material program codes and regulations.
- Identify and assess potential chemical emergency sources (hazardous analysis).
- Conduct a Commodity Flow Study.
- Develop a Tribal Chemical Emergency Preparedness Response Plan.
- Have appropriate staff take awareness training.
- Conduct community outreach to assure knowledge of and responsiveness to an emergency plan.
- Conduct periodic emergency exercises.

VIII. Underground Storage Tank Activities

An underground storage tank (UST) is any tank (including underground piping connected to the tank) that has at least 10 percent of its volume underground. The UST regulations (40 CFR Part 280) cover notification (registration), performance standards for new and existing tanks, tank closure, release detection, cleanup activities, financial responsibility, and reporting and record keeping.

Sample activities which may be funded under GAP in order to work towards developing a UST program:

- Identify/develop an inventory of all operating and abandoned UST sites and compare with EPA's existing inventory. Develop a process to notify USEPA of the installation of any new UST systems.
- Develop codes, regulations, ordinances and training requirements to regulate UST and Leaking UST universe.
- Provide training and work shops for tribal staff for both UST preventative and LUST management activities.

IX. Radon

The purpose of a non-regulatory radon program is to increase the public's awareness of health effects from exposure to radon and increase the number of homes/schools tested and mitigated if necessary, for radon gas. Radon is a naturally occurring radioactive gas that comes from the decay of uranium and is the second leading cause of lung cancer, next to smoking. Radon gas has been found in areas all over the world. The only way to know if a home or school has elevated radon levels is to perform radon testing. The U.S. Surgeon General has recommended that all homes in the U.S. be tested. EPA has also recommended that all schools be tested. Radon testing is simple and inexpensive. If high radon levels are found, there are ways to mitigate and prevent radon from seeping into a building. EPA has developed model radon resistant building codes that can reduce the cost of installing a radon system during construction.

Below are some activities which may be funded under GAP in order to address radon issues:

- Obtain radon training (testing and mitigation)
- Write a Quality Assurance Field Sampling Plan to test for radon.
- Conduct community outreach on radon.
- Conduct radon sampling. (Radon test kits may be available from EPA. Contact your EPA project officer.)
- Conduct community outreach on sampling results.
- Encourage radon resistant new construction.
- Conduct outreach and education activities on how to prevent indoor air quality problems in homes, such as reducing secondhand smoke, asthma triggers and moisture/mold in homes.

X. Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)

The purpose of FIFRA is to regulate the manufacture, distribution, sale and use of pesticides so as to minimize risks to human health and the environment. A pesticide is defined as any substance intended to prevent, destroy, repel or mitigate pests. Among other provisions FIFRA requires registration of all pesticides; restricts sale and use of certain pesticides; requires that pesticides be used according to their labels, establishes the conditions for the suspension and cancellation of pesticides; and requires the registration of pesticide producing establishments.

Below are some activities which may be funded under GAP in order to address tribal pesticides issues:

- Assess current and historical pesticide use, sale and distribution, and identify pesticide concerns on tribal lands. This can include development of a questionnaire guideline and conducting interviews or focus groups to gather information regarding sites where pesticides are/were used, and types/amounts of pesticides used, sold, distributed, stored and disposed of on tribal lands;
- Identify impacts of and community concerns about pesticides;
- Develop pesticide codes, regulations, ordinances and/or policies necessary to implement them;
- Assess and develop appropriate tribal mechanisms for protecting human health and the environment from pesticide exposure. This could include other regulatory and non-regulatory policies which enable the tribe to monitor and control pesticide use on the reservation (examples are Pesticide Management Plans, Integrated Pest Management Plans, Pesticide Use Notification System, and Pesticide Permit Program);
- Provide education and outreach on pesticide safety or alternatives to pesticides;
- Develop mechanisms to report and respond to pesticide incidents;
- Attend appropriate EPA and non-EPA training; and
- Apply for pesticide cooperative agreement funding, if available.

XI. Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) authorizes EPA to identify and control toxic chemical hazards to human health and the environment. Children are very vulnerable to the hazards of asbestos and lead exposure. Two programs under this statute address these specific toxic hazards through the asbestos in schools rule and the lead-based paint hazard reduction program. Awareness or outreach/education and proper management of asbestos-containing materials (ACM) and surfaces coated with lead-based paint are important in the prevention of exposure. In addition, EPA has promulgated regulations that include training requirements to assure the availability of a qualified workforce to conduct asbestos and lead activities properly. EPA also requires the disclosure of lead-based paint in pre-1978 housing.

Below are some activities which may be funded under GAP in order to address asbestos and lead issues:

A. Asbestos

- Develop and/or provide published informational material on asbestos, its hazards, and where it might be found in the home, schools and other buildings.
- Increase awareness of what practices may disturb ACM (i.e., sanding, abrading, scraping ceiling material) and promote good management practices to minimize disturbance of ACM and the release of airborne fibers.
- Provide appropriate training to tribal environmental staff to develop capability and expertise to address tribal asbestos concerns in public buildings.

B. Lead

- Educate tribal and community members regarding the dangers of lead and areas in which lead

poisoning can occur.

- Increase awareness at all levels of the reservation by encouraging community involvement in a lead prevention project.
- Provide educational outreach to small children by using hands-on science.
- Provide lead awareness seminars to different levels of the community.
- Conduct inspections and risk assessments of tribal housing units (requires EPA certification).
- Increase awareness of what practices may disturb lead based paint (i.e., sanding, abrading, scraping ceiling material) and promote good management practices to minimize disturbance of lead-based paint.

XII. Pollution Prevention

The Pollution Prevention Act of 1990 establishes an environmental management hierarchy that emphasizes source reduction over recycling, treatment and disposal. Pollution prevention means reducing the generation of pollution prevention at its source, before it is created.

Source reduction is defined as "any practice that reduces the amount of any hazardous substance, pollutant or contaminant entering any waste stream or otherwise released into the environment prior to recycling, treatment, or disposal; and which reduces the hazards to public health and the environment associated with the release of such substances, pollutants or contaminants". It also includes protecting natural resources through conservation of energy, water, or other materials.

EPA has declared that pollution prevention is the "policy of first choice" for solving environmental problems. Pollution prevention activities can be integrated into regulatory programs or be non-regulatory and voluntary. Source reduction efforts can be particularly effective for addressing non-point source pollution related to unregulated sources such as agriculture and indoor air pollution or storm water runoff.

Below are some Pollution Prevention activities which may be funded under GAP:

- Conduct tribal environmental assessments, identify priority environmental problems, waste streams, or pollution sources that could be addressed through pollution prevention strategies (source reduction).
- Develop a pollution prevention policy for tribal environmental protection activities programs.
- Review and modify tribal environmental regulations to incorporate source reduction (e.g., give credit for source reduction activities, as well as end-of-pipe controls, include source reduction measures within permits, include source reduction in enforcement cases through supplemental environmental projects).
- Develop voluntary technical assistance/outreach programs to help priority sectors (e.g., auto repair, casinos, agriculture) adopt source reduction measures.
- Inventory and publicize the use of Household Hazardous Wastes (HHW) on the reservation.
- Develop an outreach program for minimizing HHW generation by promoting use reduction, proper use and disposal of chemical products, and viable alternatives.
- Develop an outreach program on the use of the alternative products.
- Identify opportunities to incorporate pollution prevention at tribal casino operations
- Coordinate operational activities at tribal casinos to conserve energy and water, reduce solid waste and purchase greener products

For more information on potential project ideas see the Pollution Prevention Resource Exchange website, www.p2rx.org